

GAME, FISH, PREDATORS, AND BOATING

CHAPTER 181

HOUSE BILL NO. 1411

(Representatives Tveit, Beltz, Fegley)
(Senators Patten, Bell)

AN ACT to amend and reenact section 20.1-01-08 of the North Dakota Century Code, relating to hunting at night; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-01-08 of the North Dakota Century Code is amended and reenacted as follows:

20.1-01-08. Hunting with artificial light prohibited - Exception.

It is unlawful for an individual to pursue, shoot, kill, take, or attempt to take any wildlife between sunset of one day and sunrise of the next, with the aid of a spotlight or any other artificial light except:

1. ~~An~~At any time throughout the year, an individual or the individual's agent may use a lantern, spotlight, night vision, thermal vision, infrared light, or other artificial light to assist the individual in pursuing and shooting on the individual's premises any coyote, fox, skunk, mink, raccoon, beaver, weasel, rabbit, or other predatory animal ~~attacking~~ and attempting to destroy the individual's poultry, livestock, or other property; and
2. An individual may use an artificial light, night vision, thermal vision, or infrared light with a power source of not more than six volts while hunting afoot for coyote, fox, raccoon, or beaver during the open season on the animal. The artificial light must produce a red, green, or amber color when used in the hunting of coyote, fox, raccoon, or beaver, except when taking a raccoon treed or at bay.

Approved March 31, 2021

Filed April 1, 2021

CHAPTER 182

SENATE BILL NO. 2144

(Senators Erbele, Patten, Bell)
(Representatives Damschen, Dobervich, Tveit)

AN ACT to amend and reenact sections 12.1-22-03 and 20.1-01-17 of the North Dakota Century Code, relating to criminal trespass and electronic posting; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-22-03 of the North Dakota Century Code is amended and reenacted as follows:

12.1-22-03. Criminal trespass - Noncriminal offense on posted property.

1. An individual is guilty of a class C felony if, knowing ~~that that~~the individual is not licensed or privileged to do so, the individual enters or remains in a dwelling or in highly secured premises.
2. An individual is guilty of a class A misdemeanor if, knowing ~~that that~~the individual is not licensed or privileged to do so, the individual:
 - a. Enters or remains in or on any building, occupied structure, or storage structure, or separately secured or occupied portion thereof; or
 - b. Enters or remains in any place so enclosed by a fence or otherwise enclosed as manifestly to exclude intruders, unless the individual is a licensed hunter or angler who is lawfully hunting or fishing. For purposes of this subdivision, "fence" means a permanent structure on nonurban, private property which is maintained and capable of containing livestock.
3.
 - a. An individual is guilty of a class B misdemeanor if, knowing ~~that that~~the individual is not licensed or privileged to do so, the individual enters or remains in any place as to which notice against trespass is given by actual communication to the actor by the ~~individual in charge of the premises or other authorized individual~~owner or an individual authorized by the owner or by posting in a manner reasonably likely to come to the attention of intruders. The name of the person posting the premises must appear on each sign in legible characters.
 - b. Even if the conduct of the owner, ~~tenant,~~ or individual authorized by the owner varies from the provisions of subdivision a, an individual may be found guilty of violating subdivision a if the owner, ~~tenant,~~ or individual authorized by the owner substantially complied with subdivision a and notice against trespass is clear from the circumstances.
 - c. An individual who violates subdivision a is guilty of a class A misdemeanor for the second or subsequent offense within a two-year period.

4. a. ~~An A peace officer may cite an individual who, knowing the individual is not licensed or privileged to do so, may not enter or remain entered or remained in a place as to which notice against trespass is given by posting in a manner reasonably likely to come to the attention of intruders. A violation of this subdivision is or a place enclosed by a fence as defined in subsection 2, with a noncriminal offense. An individual cited under this subsection may not be prosecuted under subsection 2 or 3 for the same offense.~~
 - b. ~~A peace officer shall cite an individual who violates subdivision a with a fine of for a citation under subdivision a is two hundred fifty dollars for each violation.~~
 - c. The peace officer citing the individual shall:
 - (1) Take the name and address of the individual; and
 - (2) Notify the individual of the right to request a hearing if posting bond by mail.
 - d. The peace officer may not take the individual into custody or require the individual to proceed with the peace officer to any other location for the purpose of posting bond. The officer shall provide the individual with an envelope for use in mailing the bond.
 - e. An individual cited may appear before the designated official and pay the statutory fine for the violation at or before the time scheduled for hearing.
 - f. If the individual has posted bond, the individual may forfeit bond by not appearing at the designated time.
 - g. If the individual posts bond by mail, the bond must be submitted within fourteen days of the date of the citation and the individual cited shall indicate on the envelope or citation whether a hearing is requested. If the individual does not request a hearing within fourteen days of the date of the citation, the bond is deemed forfeited and the individual is deemed to have admitted to the violation and to have waived the right to a hearing on the issue of commission of the violation. If the individual requests a hearing, the court for the county in which the citation is issued shall issue a summons to the individual requesting the hearing notifying the individual of the date of the hearing before the designated official.
 - h. Upon appearing at the hearing scheduled in the citation or otherwise scheduled at the individual's request, the individual may make a statement in explanation of the individual's action. The official may at that time waive or suspend the statutory fine or bond.
 - i. A citing peace officer may not receive the statutory fine or bond.
 - j. The bond required to secure appearance before the judge must be identical to the statutory fine established in subdivision b.
5. An individual is guilty of a class B misdemeanor if that individual remains upon the property of another after being requested to leave the property by a duly authorized individual. An individual who violates this subsection is guilty of a

class A misdemeanor for the second or subsequent offense within a two-year period.

6. This section does not apply to a peace officer in the course of discharging the peace officer's official duties.

SECTION 2. AMENDMENT. Section 20.1-01-17 of the North Dakota Century Code is amended and reenacted as follows:

20.1-01-17. Posting of lands by owner to prohibit hunting - How posted - Signs defaced.

1. Only the owner ~~or tenant~~ or an individual authorized by the owner of land may post the land ~~by placing. To post the land, an individual shall:~~
 - a. ~~Place~~ signs alongside the public highway or the land giving notice that hunting is not permitted on the land. The name of the person posting the land must appear on each sign in legible characters. The signs must be readable from the outside of the land and must be placed conspicuously not more than eight hundred eighty yards [804.68 meters] apart. As to land entirely enclosed by a fence or other enclosure, posting of signs at or on all gates through the fence or enclosure constitutes a posting of all the enclosed land; ~~or~~
 - b. Designate the land as posted or closed to hunting in an online database or other electronic application maintained or authorized by the state and available to the public which identifies whether land is available to hunters. The name of the person posting the land electronically must be visible to users of the online database or electronic application.
2. A person may not deface, take down, destroy posting signs, or post property without the permission of the owner ~~or tenant~~ or an individual authorized by the owner.
3. Even if the conduct of the owner, ~~tenant~~, or individual authorized by the owner varies from the provisions of subsection 1, an individual may be found guilty of violating section 20.1-01-18 if the owner, ~~tenant~~, or individual authorized by the owner substantially complied with subsection 1 and notice against hunting or trespassing is clear from the circumstances.

Approved April 28, 2021

Filed April 28, 2021

CHAPTER 183

HOUSE BILL NO. 1113

(Representatives Thomas, Brandenburg, J. Nelson)
(Senator Klein)

AN ACT to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to obtaining a landowner's permission before baiting; to amend and reenact subsection 3 of section 12.1-31-14 of the North Dakota Century Code, relating to trail cameras; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 12.1-31-14 of the North Dakota Century Code is amended and reenacted as follows:

3. An individual is guilty of an infraction if the individual enters upon another's property and installs any device for observing, recording, or photographing wildlife while the owner of the device is absent unless:
 - a. ~~Without~~The individual has written permission from the owner or ~~occupant~~an individual authorized by the owner of the property; ~~or~~and
 - b. ~~If the~~The device does not have has a permanently affixed metal or plastic tag with a registration number issued by the game and fish department, or the individual's name, address, and telephone number.

SECTION 2. A new section to chapter 20.1-01 of the North Dakota Century Code is created and enacted as follows:

Permission required for baiting - Penalty.

Without permission from the owner or an individual authorized by the owner of the property, an individual may not enter upon another person's property and intentionally place bait to attract or manipulate the behavior of wildlife. An individual's first violation of this section is a class 1 noncriminal offense. An individual's second or subsequent violation of this section is an infraction for which a fine of two hundred fifty dollars must be imposed.

Approved March 23, 2021

Filed March 24, 2021

CHAPTER 184

HOUSE BILL NO. 1074

(Energy and Natural Resources Committee)
(At the request of the Game and Fish Department)

AN ACT to amend and reenact section 20.1-02-09 of the North Dakota Century Code, relating to records kept and reports made by the chief game warden.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-02-09 of the North Dakota Century Code is amended and reenacted as follows:

20.1-02-09. Supervision of chief game warden by director - Records - Reports.

The chief game warden is under the direct control and supervision of the director and shall make monthly and annual reports to the director in a manner required by the director. The chief game warden shall keep a complete and correct record, in a ~~book provided for that purpose~~ format authorized by the director, of all ~~that person's~~ the chief game warden's transactions and of the name of each person violating the game and fish laws; ~~the date of that person's arrest, if applicable;~~ the amount of the fine and costs imposed upon and paid by each person; and the name of the judge before whom that person appeared. The record ~~book~~, when requested, must be open to inspection by the public. The chief game warden shall make a full report to the director within thirty days after the end of each ~~fiscal~~ calendar year.

Approved April 21, 2021

Filed April 22, 2021

CHAPTER 185

HOUSE BILL NO. 1242

(Representatives Nehring, Porter)

AN ACT to amend and reenact section 20.1-03-01.5 of the North Dakota Century Code, relating to apprentice hunter validation; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-01.5 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.5. Apprentice hunter validation.

1. An individual born after December 31, 1961, who is twelve years of age or older, and who does not possess a hunter safety education course certificate of completion may be issued an apprentice hunter validation. An Except as provided in subsection 2, an apprentice hunter validation is valid for only one license year in a lifetime. An individual in possession of an apprentice hunter validation may hunt small game and deer only when accompanied by an adult licensed to hunt in this state whose license was not obtained using an apprentice hunter validation. An apprentice hunter validation holder must obtain all required licenses and stamps. For purposes of this section, "accompanied" means to stay within a distance of another individual that permits uninterrupted visual contact in unaided verbal communication.
2. An individual who was issued an apprentice hunter validation for the 2020-21 license year may receive another apprentice hunter validation for one additional license year in the individual's lifetime.

Approved March 23, 2021

Filed March 24, 2021

CHAPTER 186

HOUSE BILL NO. 1218

(Representatives Porter, D. Anderson, Damschen, Lefor, M. Ruby)
(Senators Patten, Bell)

AN ACT to amend and reenact section 20.1-08-04.9 of the North Dakota Century Code, relating to hunting by nonresidents who own land in North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-08-04.9 of the North Dakota Century Code is amended and reenacted as follows:

20.1-08-04.9. Small game proclamation - Pheasants.

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1. Except as provided in subsection 2, the governor, in the governor's proclamation, shall prohibit a nonresident from hunting for the first seven days of the pheasant season on land owned or private land enrolled by the department for the purposes of hunting or on land for which the department pays in lieu of tax payments.
2. A nonresident with a valid hunting license may hunt during the first seven days of the pheasant season if:
 - a. The nonresident is a participating landowner whose property is enrolled in this state's private land open to sportsmen program; and
 - b. The nonresident hunts on the nonresident's property enrolled in the private land open to sportsmen program.

Approved March 23, 2021

Filed March 24, 2021